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BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

1
2
3 In the Matter of Request for)
4 Conditional Use Permit No. 8-82) Klamath County Planning
5 for J. N. S. Excavation Company) Findings of Fact and Order
6)

7
8 A hearing was held in this matter on March 18, 1982,
9 which was continued to April 15, 1982, pursuant to notice given
10 in conformity with Ordinance No. 45, Klamath County, before the
11 Klamath County Hearings Officer, Jim Spindor. The applicant was
12 present. The Klamath County Planning Department was represented
13 by Jonathan Chudnoff. The Hearings Reporter was Barbara Thomson.

14 Evidence was presented on behalf of the Department and
15 on behalf of the applicant. There were several persons who
16 testified both for and against this proposed Conditional Use
17 Permit requested by the applicant.

18 The following exhibits were offered, received, and made
19 a part of the record:

20 Klamath County Exhibit A, the Staff Report
21 Klamath County Exhibit B, Klamath County Assessor's Map
22 of subject property
23 Klamath County Exhibit C, letter from Department of
24 Geology and Mineral Industries
25 Klamath County Exhibit D, photos
26 Klamath County Exhibit E, letter from Department of
27 Geology and Mineral Industries
28 Applicant's Exhibit No. 1, plot plan
Applicant's Exhibit No. 2, letter from Kent Mathiot, Water

4380
Resources Department

1 The hearing was then closed, and based upon the evidence
2 submitted at the hearing, the Hearings Officer made the following
3 Findings of Fact:

4 FINDINGS OF FACT:

5 1. The site is not adequate in size and shape to house
6 the proposed activity, due to its close proximity to the sewage
7 treatment lagoons which are within 200 feet from the site at
8 some points. The site will not fit in with the surrounding area
9 because the applicant's planned activities necessitate periodic
10 blasting, and this is not compatible with the close proximity of
11 the above mentioned sewage treatment lagoons, which lagoons are
12 not sealed. Also, there are several residences within close
13 proximity of the site which could be adversely affected if the
14 sewage treatment lagoons were damaged.

15 2. The site has adequate access to streets and highways
16 to carry the proposed traffic flow which would be generated by
17 the proposed use.

18 3. The applicant failed to prove that the necessary
19 blasting at the site will not adversely effect the nearby sewage
20 treatment lagoons. Testimony from Mr. O'Neil, a proponent for
21 the applicant, was that no one can answer the question of whether
22 or not the necessary blasting will be detrimental to the sewage
23 treatment lagoons. In addition, there was testimony from Mrs.
24 Gorham, chairman of the area committee in question, that at their
25 meeting the applicant had a blasting expert present and he testi-
26 fied that although safety measures could be taken there was no
27 guarantee the blasting would not adversely effect the sewage

1 treatment lagoons.

2 4. The granting of this permit would violate the follow-
3 ing L. C. D. C. Goals:

4 A. Goal No. 2 - Land Use Planning - The proximity of the
5 residences, the sewage treatment lagoons, and the proposed site
6 are not compatible with good planning. As set forth in Numbers
7 1 and 3 above, the necessary blasting at the site is not compatible
8 with the existing residential, agricultural, and sewage treatment
9 uses of this land.

10 B. Goal No. 10 - Housing - This goal would be violated
11 due to the facts set forth in Goal No. 2 above.

12 The Hearings Officer, based on the foregoing Findings of
13 Fact, accordingly orders as follows:

14 That real property described as the
15 "parcel of land generally located at Gray's
16 Ridge, Klamath Hills, east of Lower Lake Road,
17 approximately 1 1/8 miles south of Cross Road,
18 and more particularly described as the E½ of
the NE¼ of Section 17, Township 40, Range 9,
being Tax Lot 117-1, Klamath County, Oregon"

19 is hereby denied a Conditional Use Permit in accordance with
20 the terms of the Klamath County Zoning Ordinance No. 45, and,
21 henceforth, will not be allowed a rock quarry in the AU-5
22 (Agricultural Use - Five Acres) zone.

23 Entered at Klamath Falls, Oregon, this 14th Day of
24 April, 1982.

25 KLAMATH COUNTY HEARINGS DIVISION

26 Bob D. Spender
27 Hearings Officer

28 C.U.P. 8-82
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STATE OF OREGON; COUNTY OF KLAMATH; ss
I hereby certify that the within instrument was received and filed for
record on the 23 day of April, A.D., 1982 at 9:12 o'clock A M
and duly recorded in Vol M 82, of Deeds on page 4989

FEE \$No fee Commissioners Journal by Evelyn Biehn COUNTY CLERK
Deputy